

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
Lynchburg Division**

In re:

Benjamin S. Desalis

Case No. 14-62147-RBC

Debtor.

Chapter 13

**NOTICE OF HEARING ON MOTION FOR RELIEF FROM STAY**

TAKE NOTICE, that PENNYMAC LOAN SERVICES, LLC, a secured creditor in the above-referenced bankruptcy action, has filed with the United States Bankruptcy Court for the Western District of Virginia, Lynchburg Division, a Motion for Relief from Stay, a copy of said Motion is attached hereto.

NOTICE IS HEREBY GIVEN that a hearing on this Motion will be convened on August 26, 2015 at 9:30 AM. The hearing will be held at the United States Bankruptcy Court, Lynchburg, US Courthouse, Room 210, 1101 Court Street, Lynchburg, Virginia 24504.

Plaintiff waives the 30-day limit imposed by 11 U.S.C. § 362 (e), and consents to the extension of the automatic stay imposed by 11 U.S.C. § 362 (a) beyond the thirty-day limit to the date of any preliminary hearing or final hearing scheduled on Plaintiff's Motion for Relief; provided that nothing in this consent shall be deemed to consent to the further extension of the automatic stay in the event that the stay shall otherwise be terminated under the provisions of 11 U.S.C. § 362 (c).

Sara A. John, VSB #48425  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, Virginia 23452  
757-498-9600  
sara\_john@eppspc.com  
Counsel for Plaintiff

PENNYMAC LOAN SERVICES, LLC

/s/ Sara A. John

Sara A. John

M. Richard Epps, P.C.

Certificate of Service

I hereby certify that on July 17, 2015, I mailed or electronically served a true copy of the foregoing Notice of Hearing to: Benjamin S. Desalis, 288 Long Island Road, Gladys, VA 24554; Herbert L. Beskin, Trustee, P.O. Box 2103, Charlottesville, VA 22902; and Stephen E. Dunn, Counsel to Debtor, 201 Enterprise Drive, Suite A, Forest, VA 24551.

/s/ Sara A. John

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In re:

Benjamin S. Desalis

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Debtor.

Chapter 13

PENNYMAC LOAN SERVICES, LLC,

Plaintiff,

v.

Benjamin S. Desalis

and

Herbert L. Beskin, Trustee,

Defendants.

**MOTION FOR RELIEF FROM STAY**

To the Honorable Judges of the aforesaid Court:

For its Motion for Relief from Stay, PENNYMAC LOAN SERVICES, LLC, Plaintiff, by counsel, states as follows:

1. This Court has jurisdiction over the matters herein alleged pursuant to 28 U.S.C. § 1334.

This matter constitutes a core proceeding within the meaning of 28 U.S.C. § 157 and is a contested matter under Rules 4001 and 9014 of the Federal Rules of Bankruptcy Procedure.

2. The Debtor herein owns an interest in the following real estate, to-wit: 288 Long Island

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M. Richard Epps, P.C.

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Virginia Beach, Virginia 23452

757-498-9600

sara\_john@eppspc.com

Counsel for Plaintiff

Road, Gladys, Virginia 24554.

3. Plaintiff, PENNYMAC LOAN SERVICES, LLC, is a secured creditor of Debtor, being secured by a deed of trust on the above-described property duly recorded in the Clerk's Office of the Circuit Court, Campbell County, Virginia.

4. On or about November 4, 2014, Debtor filed a petition for relief under 11 U.S.C. Chapter 13. Debtor has filed a Chapter 13 plan.

5. Under the terms of the plan, Debtor was to make post petition payments directly to Plaintiff.

6. Debtor is in default in the making of the post petition payments due Plaintiff and the loan is presently due for the April 1, 2015 through July 1, 2015 payment for post petition arrearages totaling \$1,928.37, with a payoff of approximately \$107,305.64 on said deed of trust.

7. That Plaintiff lacks adequate protection.

8. For the above and foregoing reasons, Plaintiff asserts that cause exists sufficient to waive the requirement of Bankruptcy Rule 4001(a)(3), therefore allowing the Order granting the relief sought to be effective upon its entry.

**WHEREFORE**, Plaintiff moves the Court for relief from the automatic stay as to the above-described property pursuant to 11 U.S.C. § 362 so that it may proceed under state law.

PENNYMAC LOAN SERVICES, LLC

/s/ Sara A. John  
Sara A. John  
M. Richard Epps, P.C.

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